

REMARKS

Claims 1-8 and 11-18 are currently pending in the above-identified patent application. Claims 1 and 11 were amended in the Preliminary Amendment dated January 24, 2005.

In the subject Office Action, the Examiner rejected claims 1-8, 11-18 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, since the amended claim language of independent claims 1 and 11 requires "a first power supply connected to said first backplane, but not to said second backplane; a second power supply connected to said second backplane, but not to said first backplane;". The Examiner continued that this new limitation does not appear to be supported by the original specification and appears to conflict with the specification, and noted that in the specification on page 7, lines 27-31, and page 8, lines, 2-4, that: "The power supplies 220 and 222 may provide separate connectors that engage the backplanes 204 and 206. In some embodiments, the power supply connections may be routed through the interface board 212. While one power supply may be sufficient to operate the disk array 200, two or more power supplies may be used to provide backup and redundancy in the event of the power supply failure ... two or more power supplies may be connected such that the failure of one power supply still allows the embodiment 200 to function while repair to the power supply is scheduled."

The Examiner stated that It appears from the specification that power supplies 220 and 222, respectively, connect to backplanes 204 and 206, and alternatively, the power supplies are electrically connected to the interface board which is in turn connected to both the first backplane and the second backplane. In either case, the Examiner asserted, it appears that when one of the power supplies fails, the other power supply provides power to the entire system shown as 200, including the first and second backplane and all the disks, and, therefore, it is believed that in the first case, one power supply is required to be

connected so as to supply power to both the first and second backplanes when the other power supply fails, and in the second case, it appears that each of the first and second power supplies is connected to the first and second backplanes through the interface board.

Applicants fail to understand the Examiner's conclusion that: "one power supply is required to be connected so as to supply power to both the first and second backplanes when the other power supply fails," since lines 27 and 28 of page 7 clearly state that: "The power supplies may provide separate connectors that engage the backplanes 204 and 206." The remainder of the paragraph cited by the Examiner recites other embodiments of the present invention. The Examiner apparently recognized this as can be discerned from the Examiner's choice of language on pages 2 and 3 of the Detailed Action, wherein it is stated that: "It appears from the specification that power supplies 220 and 222, respectively, connect to backplanes 204 and 206. Alternatively, the power supplies are electrically connected to the interface board which is in turn connected to both the first backplane and the second backplane." (emphasis added by applicants). The use of the word "respectively" means that power supply 220 is connected to backplane 204, while power supply 222 is connected to backplane 206. The use of the word "alternatively" reflects that the language following this word represents other embodiments of the invention. Clearly, there is more than one embodiment of the invention described in the Specification, as originally filed, and amended claims 1 and 11 are directed to one of these embodiments.

Further, turning to page 6, lines 15-18, of the subject Specification, as originally filed, it is stated that: "When the embodiment 100 is used in a mirrored RAID system, the disk array 108 may have a mirrored image of the data on the second disk array 110. In some embodiments with mirrored RAID images, one of the backplanes 108 or 110 may be removed for service while the other backplane may operate to store and retrieve data." Applicants believe that the statement from page 6 quoted above further illuminates the meaning of the statement from page 7, lines 27-28, of the subject Specification that: "The power supplies 220 and 222 may provide separate connectors that engage the backplanes 204 and 206." If the

backplanes are removable for service, be it for a failure in one of the disk drives or even for a failed power supply in a RAID system, why would a removed backplane need to receive power from a backup power supply? The remaining backplane has all of the data contained in the first backplane, and is designed to function independently thereof. In some embodiments of the present invention, both power supplies may be connected to an interface board so that the remaining backplane might be backed up by two power supplies. However, there remains the embodiment where the remaining backplane is powered only by a single power supply.

Therefore, applicants respectfully believe that the Examiner has incorrectly construed the language of the Specification to exclude the possibility of each power supply being connected to its "own" backplane. Applicants further believe that the subject Specification, as originally filed, and amended claims 1 and 11, where the power supplies are recited as each being connected to one backplane, but not to the other backplane are consistent with one another.

For these reasons, applicants believe that claims 1-8 and 11-18 are in condition for allowance or appeal, the former action by the Examiner at an early date being earnestly solicited. Reexamination and reconsideration are respectfully requested..

Dated this 11th day of May 2005.

Respectfully submitted,
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